

AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 897

Introduced by Assembly Member Alquist
(Coauthors: Assembly Members Honda and Lempert)
(Coauthor: Senator Sher)

February 25, 1999

An act to amend Section 35160.1 of, ~~and to add Section 35713 to,~~ the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 897, as amended, Alquist. School districts.

Existing law provides for the formation and reorganization of school districts. Existing law authorizes public agencies to enter into a joint powers agreement and to form a joint powers agency for the purpose of exercising common powers.

This bill would state the intent of the Legislature that the governing board of a school district may delegate the exercise of its powers and duties to a joint powers agency when necessary for purposes of carrying out specific functions pursuant to and within the scope of the joint powers agreement.

~~This bill would require that the Metropolitan Education District of Santa Clara County, a joint powers agency established pursuant to the joint power provisions, be considered, and have the authority of, a school district for the purposes of carrying out school district functions to the extent~~

~~that those functions have been delegated to it by the members of the joint powers agreement.~~

~~This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35160.1 of the Education Code is
2 amended to read:

3 35160.1. (a) The Legislature finds and declares that
4 school districts, county boards of education, and county
5 superintendents of schools have diverse needs unique to
6 their individual communities and programs. Moreover, in
7 addressing their needs, common as well as unique, school
8 districts, county boards of education, and county
9 superintendents of schools should have the flexibility to
10 create their own unique solutions.

11 (b) In enacting Section 35160, it is the intent of the
12 Legislature to give school districts, county boards of
13 education, and county superintendents of schools broad
14 authority to carry on activities and programs, including
15 the expenditure of funds for programs and activities
16 which, in the determination of the governing board of the
17 school district, the county board of education, or the
18 county superintendent of schools are necessary or
19 desirable in meeting their needs and are not inconsistent
20 with the purposes for which the funds were appropriated.
21 It is the intent of the Legislature that Section 35160 be
22 liberally construed to effect this objective.

23 (c) It is the intent of the Legislature that the
24 governing board of a school district may, when entering
25 into a joint powers agreement, delegate the exercise of
26 those powers and duties of the district to a joint powers
27 agency formed pursuant to Article 1 (commencing with
28 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
29 Government Code as may be necessary for purposes of

1 carrying out specific functions pursuant to and within the
2 scope of the joint powers agreement.

3 (d) The Legislature further declares that the adoption
4 of this section is a clarification of existing law under
5 Section 35160.

6 ~~SEC. 2. Section 35713 is added to the Education Code,~~
7 ~~to read:~~

8 ~~35713. The Metropolitan Education District of Santa~~
9 ~~Clara County, a joint powers authority established~~
10 ~~pursuant to Chapter 5 (commencing with Section 6500)~~
11 ~~of Division 7 of Title 1 of the Government Code, shall be~~
12 ~~considered, and shall have the authority of a school~~
13 ~~district for the purposes of carrying out school district~~
14 ~~functions to the extent that those functions have been~~
15 ~~delegated to it by the members of the joint powers~~
16 ~~agreement.~~

17 ~~SEC. 3. Due to the unique circumstances concerning~~
18 ~~the rapid growth and development of the Santa Clara~~
19 ~~County region, it is necessary that this joint powers~~
20 ~~agency be permitted to function as a school district~~
21 ~~pursuant to the joint powers agreement, and the~~
22 ~~Legislature finds and declares that a general statute~~
23 ~~cannot be made applicable within the meaning of Section~~
24 ~~16 of Article IV of the California Constitution.~~